

Notice of Allowability

Application No.

09/826,109

Examiner

Philip C. Lee

Applicant(s)

NISHIO ET AL.

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/8/06.
2. ☒ The allowed claim(s) is/are 1 and 4-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/5/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

2. Authorization for the examiner's amendment was given in a telephone interview with Dennis M. Smid, reg. no. 39,930, on October 05, 2006.

3. The application has been amended as follows:

a. Replace claim 1 to read as of the following,

In Claim 1,

1. (Currently amended) An information providing apparatus for delivery of content data, comprising:

content data input means for operation by a user to input content data;

storing means for storing the content data provided by the content data input means;

delivery designating means for designating a delivery condition including one of a transmission band and a transmission medium to be used for delivering the content data stored in the storage means; and

a communication control unit for receiving indication data corresponding to the delivery condition to be designated by the delivery designating means from a delivery apparatus and supplying the received indication data to the delivery designating means for use in designating the delivery condition, including one of the transmission band and the transmission medium,

wherein the indication data includes a number of delivery audiences of the content data that is calculated based on information stored in profile data and/or watching/listening history data, and a calculated cost corresponding to the delivery of the content data; and

wherein the indication data [[that]] correspond to the ~~transmission band and the transmission medium~~ delivery condition.

b. Replace claim 5 to read as of the following,

In Claim 5,

5. (Currently Amended) An information providing method for delivery of content data, comprising the steps of:

a user inputting operation for inputting content data to be delivered;

storing the content data provided in the user inputting operation; and

designating a delivery condition set by the user including one of transmission band and a transmission medium to be used in delivering the content data; [[and]]

wherein before the delivery condition is designated, receiving indication data corresponding to the delivery condition to be designated from a delivery apparatus and using the received delivery indication data in the step of designating a delivery condition, [[and]]

wherein the indication data includes a number of delivery audiences of the content data that is calculated based on information stored in profile data and/or watching/listening history data, and a calculated cost corresponding to the delivery of the content data; and

wherein the indication data [[that]] correspond to the ~~transmission band and the~~ transmission medium delivery condition.

- c. Replace claim 6 to read as of the following,

In Claim 6,

6. (Currently Amended) A delivering apparatus for delivering content data, comprising:

first communicating means for receiving from an information provider content data including a delivery condition including one of a transmission band and a transmission medium set by the information provider;

storing means for storing the content data;

transmitting means for delivering the content data to a receiving terminal unit;

second communicating means for receiving user profile information from the receiving terminal unit over a bi-directional network;

profile storing means for storing the user profile information received by said second communication means;

charging process controlling means for calculating a cost corresponding to the delivery of the content data according to the received delivery condition; and

band controlling means for controlling a band used for delivering the content data based on the delivery condition set by the information provider; [[and]]

wherein the charging process controlling means pre-calculates a number of delivery audiences ~~a size of an audience~~ for the content data based on the user information stored in the profile storing means, calculates the cost corresponding to the delivery of the content data, and informs the information provider of the cost corresponding to the received delivery condition.

d. Replace claim 7 to read as of the following,

In Claim 7,

7. (Currently amended) A delivering apparatus for delivering content data , comprising:

first communicating means for receiving from an information provider the content data including a delivery condition including one of a transmission band and a transmission medium set by the information provider;

storing means for storing the content data;

transmitting means for delivering the content to a receiving terminal unit;

second communicating means for receiving a user watching/listening history from the receiving terminal unit over a bi-directional network;

watching/listening history storing means for storing the user watching/listening history received by the second communicating means;

charging process controlling means for calculating a cost corresponding to the delivery of the content data according to the received delivery condition; and

band controlling means for controlling a band of a network used for delivering the content data based on delivery condition set by the information provider; [[and]]

wherein the charging process controlling means pre-calculates a number of delivery audiences ~~a size of an audience~~ for the content data based on the watching/listening history stored in the watching/listening history storing means, calculates the cost corresponding to the delivery of the content data, and informs the information provider of the cost corresponding to the received delivery condition.

e. Replace claim 8 to read as of the following,

In Claim 8,

8. (Currently amended) A delivering method for delivering content data, comprising the steps of:

receiving from an information provider the content data including a delivery condition including one of a transmission band and a transmission medium set by the information provider;

storing the content data;
delivering the content data to a receiving terminal unit;
receiving user profile information from the receiving terminal unit over a bi-directional network;
storing the user profile information received in the step of receiving;
calculating a cost corresponding to the delivery of the content data in accordance with the delivery condition set by the information provider; and
controlling a band of a network used for delivering the content data based on the delivery condition set by the information provider,
wherein a number of delivery audiences ~~size of an audience~~ for the content data is pre-calculated based on the user profile information stored in the step of storing the user profile information,
the cost corresponding to the delivery of the content data is calculated, and
the information providing apparatus is informed of the cost corresponding to said delivery condition.

f. Replace claim 9 to read as of the following,

In Claim 9,

9. (Currently amended) A delivering method for delivering content data, comprising the steps of:

receiving from an information provider the content data including a delivery condition including one of a transmission band and a transmission medium set by the information provider;

storing the content data;

delivering the content data to a receiving terminal unit;

receiving a user watching/listening history from the receiving terminal unit over a bi-directional network;

storing the watching/listening history received in the step of receiving a user watching/listening history;

calculating a cost corresponding to the delivery of the content data in accordance with the delivery condition set by the information provider; and

controlling a band of a network used for delivering the content data in accordance with the delivery condition set by the information provider,

wherein a number of delivery audiences ~~size of an audience~~ for the content data is pre-calculated based on the watching/listening history stored in the step of storing the user watching/listening history,

the cost corresponding to the delivery of the content data is calculated, and

the information provider is informed of the cost corresponding to said delivery condition.

Reason for Allowance

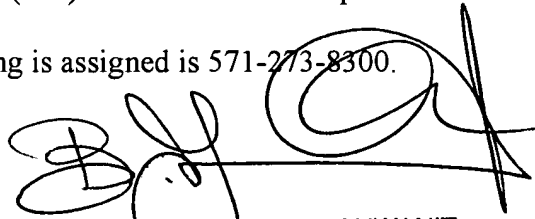
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4. The following is an examiner's statement of reasons for allowance: None of the prior art of records teach or suggest in combination an information providing apparatus for delivery of content data, comprising:

delivery designating means for designating a delivery condition including one of a transmission band and a transmission medium to be used for delivering the content data stored in the storage means; and a communication control unit for receiving indication data corresponding to the delivery condition to be designated by the delivery designating means from a delivery apparatus and supplying the received indication data to the delivery designating means for use in designating the delivery condition, including one of the transmission band and the transmission medium, wherein the indication data includes a number of delivery audiences of the content data that is calculated based on information stored in profile data and/or watching/listening history data, and a calculated cost corresponding to the delivery of the content data; and wherein the indication data correspond to the delivery condition.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

P.L.



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